

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**SPECIAL SESSION  
September 22, 2006**

The Board of Supervisors of Maricopa County, Arizona convened in Special Session at 2:10 p.m., September 22, 2006, in the Tom Sullivan Conference Room, 301 W. Jefferson, Phoenix, Arizona, with the following members present: Don Stapley, Chairman, District 2; Fulton Brock, Vice Chairman, District 1; Andy Kunasek, District 3, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Manager; and Chris Keller, Chief Counsel, Civil Division, Victoria Mangiapane, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-no-absent-abstain.

**CANVASS OF PRIMARY ELECTION**

Item: Pursuant to A.R.S. §§16-642 through 16-645, canvass the election returns and approve the Official Canvass for the September 12, 2006 Primary Election, in accordance with the Official Results prepared by the Maricopa County Elections Department. List is on file in the Clerk of the Board's Office. This item was continued from the September 18, 2006 Board Meeting. (C2107001700) (ADM1709)

Karen Osborne remarked that five precincts had ties in the precinct committeemen race and that the drawing to break these ties will be held next Wednesday, following today's official five-day notification.

Pursuant to A.R.S. §§16-642 through 16-645, motion was made by Supervisor Wilcox, seconded by Supervisor Brock, and unanimously carried (5-0) to canvass the election returns and approve the Official Canvass for the September 12, 2006 Primary Election.

**APPOINTMENT**

Pursuant to A.R.S. §11-591, motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to appoint Dr. Mark Fischione as Chief Medical Examiner for Maricopa County, effective September 12, 2006. (C2007011900) (ADM2170)

**VERIFICATION LETTER**

Motion was made by Supervisor Kunasek, seconded by Supervisor Brock, and unanimously carried (5-0) to approve the Verification Letter regarding CV05-02500-PHX-ROS and authorize the Chairman to sign the verification. The Clerk noted that a letter had been received from outside counsel Tim Casey indicating he needed this signed verification to meet a filing deadline. (ADM412)

**EXECUTIVE SESSION CALLED**

Pursuant to A.R.S. §38-431.03, et.al., motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to recess and reconvene in Executive Session for the purpose of obtaining legal advice from the Board's attorney in reviewing matters listed below pursuant to the listed statutory references. All members remained in session when the meeting reconvened.

~ Supervisor Wilson left the meeting for a conflict of interest on the following item ~

**PENDING OR CONTEMPLATED LITIGATION; SETTLEMENT DISCUSSIONS CONDUCTED IN ORDER TO AVOID OR RESOLVE LITIGATION – ARS §38-431.03(A)(4)**

**E-1. Aida Renta Trust, et al. v. Maricopa County, et al. CV1996-016474**

Keith Russell, Assessor

Roberta Livesay, Outside Counsel

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Jean Rice, Deputy County Attorney  
Sandi Wilson, Deputy County Manager

**~ Supervisor Wilson returned to the meeting ~**

Chris Keller and Victoria Mangiapane left the room because of a conflict on the following items. Dean Wolcott, Outside Counsel representing the Board entered the meeting for the remainder of Executive Session..

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION – ARS §38-431.03(A)(3) and (A)(4)**

**E-2. Dowling v. the Board of Supervisors CV2006-052611 and Counterclaim**

Tom Irvine, Outside Counsel  
Sandi Wilson, Deputy County Manager  
LeeAnn Bohn, Budget Administrator  
Fred Rosenfeld, Outside Counsel  
Lisa Keegan, State Legislator  
Dean Wolcott, Outside Counsel  
Chiefs of Staff Latto, Isham, Leija, Bloom, Candland

**LEGAL ADVICE; PENDING OR CONTEMPLATED LITIGATION; CONTRACTS SUBJECT TO NEGOTIATION – ARS §38-431.03(A)(3) AND (A)(4)**

**E-3. Advice regarding legal issues and options concerning County Regional School District/Accommodations School funding and management issues.**

Sandi Wilson, Deputy County Manager  
Brian Hushek, Deputy Budget Director  
Tom Irvine, Outside Counsel  
Fred Rosenfeld, Outside Counsel  
LeeAnn Bohn, Budget Manager  
Fred Rosenfeld, Outside Counsel  
Lisa Keegan, State Legislator  
Dean Wolcott, Outside Counsel  
Chiefs of Staff Latto, Isham, Leija, Bloom, Candland

**EXECUTIVE SESSION RECESSED OPEN SESSION RECONVENED**

Chairman Stapley recessed Executive Session and reconvened the Board in Open Session to vote on the following items, all members remained in session. Chris Keller and Victoria Mangiapane returned for this portion of the meeting as Dean Wolcott left.

**JUDICIAL BRANCH – SUPERIOR COURT**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Judicial Branch to establish contract positions in the Juvenile Probation Department and utilize up to \$350,000 in FY 2006-07 budget savings from the Trial Courts general fund budget to temporarily hire juvenile detention education staff in the event that the Maricopa County Regional School District cannot cover payroll. This will ensure that there is no disruption in detention education services as a result of the financial uncertainties facing the Maricopa County Regional School District. This action should have no fiscal impact on the County, as it is expected that the Courts will work with state and local

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education agencies to obtain reimbursement for these services. It is anticipated that these services will be provided by a third party through a formalized service agreement. (C3807006800) (ADM3814-002) (ADM1400-001)

**LETTER TO STATE DEPARTMENT OF EDUCATION**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to direct the County Manager to draft a letter for signature by the Board of Supervisors to the State Department of Education documenting the County's concerns regarding the Maricopa County Regional School District. (Letter on file in the Clerk of the Board's Office.) (ADM3814-002)

**AUTHORIZE FUND EXPENDITURE FOR THE SHERIFF'S OFFICE**

Motion was made by Supervisor Brock, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Sheriff's Office to utilize up to \$300,000 in its FY 2006-07 Inmate Canteen budget to temporarily cover expenses related to the provision of Educational Services in the event that the Maricopa County Regional School District is unable to provide funding. This will ensure that there is no disruption in detention education services as a result of the financial uncertainties facing the Maricopa County Regional School District. This action should have no fiscal impact on the County, as it is expected that the Sheriff's Office will work with state and local education agencies to obtain reimbursement for these services. (ADM3900-003) (ADM3814-002)

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

ATTEST:

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Don Stapley, Chairman of the Board

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Fran McCarroll, Clerk of the Board